

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER 225 of 1986

Hon'ble MR.JUSTICE M.S. SHAH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgments?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

KANTILAL SHANKARLAL PARMAR
Versus
KANTILAL DWARKADAS PATEL & OTHERS

Appearance:
MR JN JADEJA for Appellant
MR PV NANAVATI for Respondents

CORAM : MR.JUSTICE M.S. SHAH
Date of decision: 19 /8/97

ORAL JUDGMENT

This appeal is directed against the order dated July 3, 1986, passed by the City Civil Court, Ahmedabad, below the interim injunction application ex. 5 in Civil Suit No. 4780 of 1995.

3. The suit has been filed by the appellant-plaintiff for specific performance of an agreement to sell executed on March 15, 1982. During the pendency of the suit, the plaintiff had prayed for

interim injunction to restrain the defendant from transferring or alienating the suit property. The trial

court had rejected the said application on the ground that the transaction was really in the nature of a money lending transaction, because the day on which the agreement to sell was executed, another agreement was also executed between the parties, wherein it was mentioned that the plaintiff had given a loan of Rs. 1,00,000/- to the defendants on interest and by way of security the agreement to sell was executed simultaneously; hence, if the amount of Rs. 1,00,000/- was repaid by the defendants to the plaintiff, the agreement to sell was not to be acted upon.

The trial court rightly arrived at the aforesaid conclusion that the transaction in question was a money lending transaction and, therefore, the trial court rightly refused to grant the interim injunction as prayed for.

In the result, the appeal is dismissed with no order as to costs.

At this stage Mr. J.N.Jadeja for the appellant requests that the interim relief granted by this Court earlier maybe continued for three months in order to enable the appellant to approach the Apex Court. The request is granted. The interim relief granted earlier by this Court shall continue for three months from today and it shall stand vacated w.e.f. November 19, 1997.

[M.S. SHAH, J.]